1936-37-45-46 **File No.** 205/36

P.W. DEPARTMENT

E BRANCH II

Subject:— Government Servants Conduct Rules 1935

P. 102 (E)

File No. 205/36 E

Stn. Sectt. Slip 24-A

Std. Sectt. 78A o.

G R., G D., No. 2408, dated 22-5-22.]

Correspondence

DOCKET SHEET (B)

Subject :—

File No. 205/36

P.W. DEPT.

E BRANCH. II

References :—

Date.	To whom sent.	Notes and instructions.

GOVERNMENT OF BOMBAY

POLITICAL AND REFORMS DEPARTMENT.

Resolution No. 248/33(Fin).

Bombay Castle, 30th January 1936.

Government of India, Home Department, Notification, No. F. 50/20/34, dated 24th December 1935:-

The following resolutiob by the Secretary of State for Indian in Council is published for general information;

"In exercise of the powers conferred by sub-section 2 of section 96-B of the Government of India Act and in pursuance of Rules 47 and 43 (A) of the Civil Services (Classification, Control and Appeal) Rules, the Secretary of State for India in Council, with the concurrence of a majority of votes at a meeting of the Council of India held the 13th day of August 1935, has made the following rules:-

"1. Title.-- These rules may be called the Governmen Servants' Conduct Rules, 1935.

"2. Definitions.- Inthese rules:-

(1) government servant'means-

(a) a memmber of an All-India Sercive, of the India Political Department, or of the Indian Ecclesiastical Establishment. or

(b) an officer holding the King's Commission on the active list of the Regular Army, the Royal Air Force or the Royal Indian Navy and srving in a Central, Provinci or Spefialist Service,

whether for the time being on foreign service or not, but does not include such memebr or officer as aforesaid when holding the office of Governor of a Province, of Member of the Executive Council of the Governor General or of a Governor, or of Judge of a High Court;

(2) Indian means a person of unmixed Asiatic descent permanently resident in India; and

(3) 'Local Government' means-

(2)...

Local Government of a Governor's Province in re-
of government servants under the administrative control of such Local Government and in respect of matters relating to associations the membership of which is confined to such government servants, and

(b) the Governor General in Council in respect of government servants, and matters relating to associations other than those referred to in clause(a) :

Provided that a Local Government may, by general or special order, and subject to such conditions as it may think fit, declare any authority subordinate to it to the Local Government for all or any of the purposes of these rules.

Provided further that the Auditor General shall exervise the powers of a local Government under these rules in respect of officers of the Indian Audit and Accounts Service who are members of the Indian Civil Service.

"3 Gifts, gratuitics and rewards.- (1) Save as otherwise provided tin this rule, no government servant shall, except with the previous sanction of the local Government-

(a) accept directly or indirectly on his own behalf or on behalf of any other person, or

(b) permit any member of his family so to accept, any gift, gratuity or regard or any offer of a gift, gratuity, or regard from an Indian who is not related to him.

(2) A Political Officer may accept a ceremonial gift from the Prince or Chief of a State in India if the gift is such that a return gift will be made at the expense of Government. A gift so accepted shall be delivered to the Local Government

(3) Subject to the provisions of any general or special order of the Local Government, a government servant may accept from any Indian a complimentary gift of flowers or furit or similar articles of trifling value but all Government servants shall use their best endeavours to discourage the tender of such gifts. (4).....

(4) Subject to the provisions of any general or special order of the Local Government, a government servant may accept, or permit any member if his family to accept, from an Indian who is his personal friend a wedding gift of a value which is reasobalbe in all the circumastances of the case, and which, in the case of a wedding gift offered to a European government Servant or to a member of his family, does not exceed Rs. 200. All government servants, shall use their best endeavours to discuurage the tender of such gift and such acceptance or permission shall be reported to the Local Governmnet, and, if the Local Government so requires., the gift shall be returned to the donor.

(5) If a Government servant cannot, without giving undue offence, refuse a gift of any substantial value from an Indian, he may accept the same, but shall, unless the Local Government by special order otherwise directs, deliver the gift to the Local Government.

(6) Subject to the provisions of any rules made by the Secretary of State in Council and of any special or general orders of the Loval Government not repugnant to such rules, a medical officer may accept any gift, gratuity or regard offered in good faith by any person or body or persons in recognition of his progessional services.

"4. Public Demonstrations in honour of government servants.-- (1) Save as otherwise provided in this rule no government servant shall, except with the previous sanction of the Local Government -

(a) recieive any complimentary or valedictory or valedictory address, accept any testimonial or attend any public meeting or entertainment held in his honour; or

(b) take part in the presentation of a complimentary or valedictory address or of a testimonial to any other government servant or to any person who

who...

who has recently quitted the service of Government, or attend a public meetnig or entertainment held in honour of such other government servant or person.

(2) Notwithstand anything contained in sub-rule(1)

(a) a Chief Commissioner may receive an address;

(b) a government servant may at the request of any public body sit of a portrait, bust or statue not intended for presentation to him;

(c) subject to the provision, of any general or special order of the Local Government, a government may take part in the raising of a fund to be expended, in reconginition of the services of any other government servant or of a perosn who has recently quited the service of Government, on the foundation of a scholarship or on any other public or charitable object or on the execution of any portrait, bust or any other public or charitable object or on the execution of any portriatn, bust or stature not intende-d for presentation to such other government servant or person

Provided that no government servant shall solicit any subscription on aid of such fund.

(d) subject to the provisions of any general or special order of the Local Government, a government servant may attend a farewell entertainment of a substantially private and informal character held as a mark of regard to himself or to any other government servant, or to a person who has recently quitted the service of Government, on the occasion of the retire ment from the service or departure from a district or station of himself or such other government servant or person.

"5. Presentation of trowels, etc., at ceremonial functions.-- (1) No government servant shall, except with the previous sanction of the Local Government, ~~xxxx~~ receive any trowel, key or other similar article offered to him at a ceremomual function, such as the laying of a foundation stone or the opening of ~~x~~

opening of public building.

(2) Nothing in sub-rule (1) shall apply to a chief Commissioner, to a Resident of the First Class, to the Commissioner in Sind, to a member of a Board of Revenue, to a Financial Commissioner, to a Resident of the Second Class or to a Commissioner of a Division.

"6. Subscriptions.— No Government servant shall, except with the previous sanction of the Local Government, ask for or accept from a Prince or Chief of any State in India, or the Agent of any such Prince or Chief, any subscription or other pecuniary assistance in pursuance of any object whatsoever.

"7. Lending and Borrowing.— (1) No government servant shall lend money to any person possessing land within the local limits of his authority, or, except in the ordinary course of business with a bank or firm of standing, borrow money from, or otherwise place himself under a pecuniary obligation to, any person subject to his official authority, or residing, possessing immovable property or carrying on business within the local limits of such authority

Provided that this sub-rule shall, in its application to the dealings of a government servant with a Co-operative Society registered under the Co-operative Societies Act, 1912 (II of 1912) or under any Provincial Co-operative Societies Act, be subject to such relaxation as the Local Government may by special or general order direct.

(2) When a government servant is appointed or transferred to a post of such a nature that a person from whom he has borrowed money or to whom he has otherwise placed himself under a pecuniary obligation will be subject to his

official

official authority, or will reside, possess immovable property or carry on business within the local limits of such authority, he shall forthwith report the circumstances to the Local Government, and shall thereafter act in accordance with such orders as may be passed by the Local Government.

"8. Buying and selling houses and other valuable property.— Save in the case of a transaction conducted in good faith with a regular dealer or permitted under Rule 9, a government servant who intends to transact any purchase, sale disposal by other means of movable or immovable property exceeding in value Rs. 200 with an Indian residing, possessing immovable property or carrying on business within the local limits of the official authority of such government servant, shall declare his intention to the Local Government. The declaration shall state fully the circumstances, the price offered or demanded and, in the case of disposal otherwise than by sale, the method of disposal, and the government servant shall thereafter act in accordance with such orders as may be passed by the Local Government:

Provided that a government servant who is about to quit the Local Government,* dispose of any of his movable property by circulating lists of it among the public generally or by causing it to be sold by public auction.

"9. Holding or acquiring immovable property.— (1) No government servant domiciled outside ~~this~~ shall, save in good faith for the purpose of residence, directly or indirectly hold or acquire immovable property—

(a) within the province in which he is employed or within any province with the administration.....

* limits of his official authority may, without reference to the Local Government.

administration of which he is concerned or within a State in India in which he is employed; or

(b) within any other province, except with the previous sanction of the Local Government ; or

(c) within any other State in India, except with the previous sanction of the Governor-General in Council.

(2) No government servant domiciled in Asia shall save in good faith for the purpose of residence, acquire any immovable property in India by purchase or gift, except with the previous sanction of the Local Government.

"10. Control over immovable property held or acquired by government servants.-Subject to the provisions of any general or special order of the Local Government, every government servant or candidate for Government service shall make to the Government concerned, through the usual channel, a declaration of all immovable property in India from time to time held or acquired by him or by his wife or by any member of his family living with, or in any way dependent upon, him. The declaration shall state the district or the State in India within which the property is situated and shall contain such further information as the Local Government may by general or special order require.

11. (1) Investments.- (1) No government servant shall speculate in investments. For the purposes of this sub-rule, the habitual purchase and sale of securities of notoriously flucatuating value shall be deemed to be speculation in investments.

(2) No government servant shall make any investment likely to embarrass or influence him in the discharge of his official duties.

If any question arises whether a security or an investment is of the nature referred to in sub-rule (1) or sub-rule (2) respectively, the decision of the Local Government thereon shall be final.

"12. - Promotion and Management of Companies.- No government servant shall, except with the previous sanction of the Secretary of State in Council, take part in the promotion, registration or management of any bank or company:

Provided that a government servant may, with the previous sanction of the Governor-General in Council, enter into the service of a railway company:

Provided also that a government servant may in accordance with the provisions of any general or special order of the Local Government take part in the promotion, registration or management of a Co-operative Society registered under the Co-operative Societies Act, 1912 (II of 1912), or under any Provincial Co-operative Societies Act.

"13. Private trade or employment.-- No Government servant shall, except with the previous sanction of the Local Government, engage in any trade or undertake any employment or work, other than his official duties:

Provided that a government servant may, without such sanction, undertake honouray work of a social or charitable nature or occasional work of a literary or artistic character, subject to

the...

anonymously or in any anonymous communications to the Press, criticise the policy or action of Government intemperately or unreasonably. A government servant shall in respect of any such publication or communication be subject to the provisions of Rule 15.

"18. Publication of documents and communications to the Press in the name of Government servants and public speeches.-- (1) No government servant shall, in any document published under his own name or in any communi cation made to the Press under his own name or in any p public utterance delivered by him, make any statement of fact or opinion which is capable of embarrassing--

(a) the relations between bhe Governar-General in Council or any Local Government and the people of India or any section thereof, or

(b) the relations between His Majesty's Government or the Governor-General in Council and any foreign country or the Prince or Chief of any State in India.

(2) A government servant who intends to publish any document under his own name or to make any communication to the Press under his own name or to dliver any public utterance containing statments in respect of which any doubt as to the application of the restrictions imposed by sub-rule (1) may arise shall submit to the Local Government a c-opy or draft of the document which he intends to publish or of the utterance which he intends to deliver, and shall thereafter act in accordance with such orders as may bepassed by the Local Government.

19. Evidence before Committees.- (1) No government servant shall give evidence before a public committee-

(a) India, except with the previous sanction of the Local Government ;

(b) ouside India, except with the previous sanction of the Secretary of State in Council.

(2) No Government servant giving such evidence shall criticise the policy or decisions of the Secretary of

the condition that his official duties do not there by suffer ; but he shall not undertake, or shall discountinue, such work if so directed by the Local Government.

"14. Insolvency and habitual indebtedness.- A government servant shall avoid habitual indebtedness. If a government servant is adjudged or declared insolvent, or if a moiety of his salry is frequently attached for debt, has been continuously so attached. for a period exceeding two years, or is attached for a sum which, it ordinary circumstances, he could not repay within a period of two years, he may, unless he proves that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, he could not have foreseen or over which he had no control, and has not proceeded from extravagant or dissipated habits, be presumed to have contravened this rule. A government servant who applies to be or is adjudged or declared insolvent shall forthwith report his insolvency to the head of the office or department in which he is employed.

15. Comminication of official documents or information.- No government servant shall except in accordance with any special or general order of the Local Govern ment communicate, directly or indirectly, any official document or information to a government servant unauthorised to receive the same, to a non-official person, or to the Press.

16. Connection with Press.- No government servant shall except with, and during the continuance of, the previous sanction of the Loval Government, own in whole or in part, or conduct or participate in the editing or management of any newspaper or other periodical publi cation ~~be subject to the provisions of Rule 15~~.

"17. Anonymous publication of documents and anonymous communications to the Press.- No government servant shall, in any document which he publishes ....

of State, of the Governor-General in Council or of any Local Government.

(3) This rule shall not apply to evidence given before statutory committees, which have power to compel attandance and the gi-ving of answers, nor to evidence given in judicial inquiries.

"20. Taking part in politics and elections.--(1)

(i) Subject to any general or special order of the Local Government, no government servant shall take part in, subscribe in aid of, or assistan in any way any political movement in India, or relating to Indian affairs.

Explanation.- The expression "political movement" includes any movement or activities tending directly or indirectly to excite disaffection against, or to embarrass the Government as by law established, or to promote feelings of hatred or enmity between different classes of His Majesty's subjects, or to disturb the public peace.

(ii) No government servant shall permit any person dependent on him for maintenance or under his care or control to take part in, or in any way assist, any movement or activity which is, or tends directly or indirectly to be subversive of Government as by law established in India.

Explanation.-- A government servant shall be deemed to have permitted a person to take part in or assist a movement or activity within the meaning of clause (ii) if he has not taken every possible precaution and done everything in his power to prevent such person so a acting or if, when he knows or has reason to suspect that such person is so acting, he does not at once inform the Local Government or the officer to whom to he is subordinate.

(2).....

(2) No government servant shall canvas or otherwise interfere or use his influence in connection with, or take part in, any election to a legislative body, whether in India or elsewhere:

Provided that a government servant who is qualified to vote at such election may exercise his right to vote; but if he does so, shall give no indication of the manner in which he proposes to vote or has voted.

(3) A government servant who issues an address to electors or in any other manner publicly announces himself or allowes himself to be publicly announced as a canddate or proppective candidate for election to a legislative body shall be deemed for the purposes of sub-rule(2) to take part in an election to such body.

(4) The provisions of sub-rules (2) and (3) shall, so far as may be , apply to elections to local authorities or bodies, save in respect of government servants required or permitted by or under any law, or order of Governm-ent, for the time being in force to be a candidate at such elections.

"21. [illegible]

"21. Vindication of acts and character of government servants as such.* (1) No government servant shall, except with the previous sanction of the Local Government , have recourse to any Court or the Press for the vindication of his official act or cha-racter from defamatory attacks.

(2) Nothing in sub-rule (1) shall derogate from the right of government servant to vindicate his private acts or character.

"22. Membership of Service Associations.- No government servant shall be a member, representative or officer of any association representing, or purporting to represent, government servants or any class of government servants unless such association satisfies the following conditions, viz:-

(a) Membership of the association shall be confined to a distinct class of government servants, and shall be open to all government servants of that class;

(b) The association shall not be in any way connected with, or affiliated to

(i) any association which does not, or

(ii) any federation of associations which do not , satisfy condition (a);

(c) The association shall not be in any way connected with any political party or organisation, or engage in any political activity;

(d) the association shall not-

(i) issue or maintain any periodical publication except in accordance with any general ~~or special~~ or special order of the Local Government;

(ii) except with the previous sanction of the Local Government, publish any representation on behalf of its members, whether in the Press or otherwise;

(iii) in repsect of any election to a legislative body.....

body whether in India or elsewhere, or to a local authority or body--

(A) pay, or contribute towrds, any exponses incurred in connection with his candidature by a candidate for such election;

(B) by any means support the candidature of any perosn for such election;

(C) undertake or assist in the registration of electors, or the selection of a candidate for such election;

(iv) maintain or contribute towards the maintenance of any member of a legislative body, whether in India or elsewhere, or of any member of a local authority or body; or

(v) pay, or contribute towards, the expenses of any Trade Union which has constituted a fund under section 16 of the Indian Trade Unions Act, 1926 (XVI of 1926) :

Provided that conditions (a) and (b) shall not be held to debar any government servant from remaining or becoming a member of the European Government Servants' Association or the Indian Officers' Association and that the Local Government may, for reasons to be recorded in writing, by general or special order, dispense with those conditions in the case of any any other association.

"23. Control of government servants outside India;-

The Secretary of State in Council shall, for the purposes of these rules, be deemed to be the Governor-General in Council or the Local Government, as the case may be, in respect of a government servant who is on leave, or on duty, outside India.

24. Saving.- Nothing in these rules shall be deemed to derogate from the provisions of any law or of any order of any competent authority, for...

for the time being in force, relating to the conduct of government servants.

25. Repeal - The Government Servants' Conduct Rules are hereby superseded in respect of government servants to whom these rules apply".

RESOLUTION.- Copies of the notification from the Government of India should be forwarded to the officers concerned for information and guidance.

By order of the Governor in Council,

C. W. A. TURNER,
Chief Secretary to Government,

G.R. No. 248/33 (Fin), P.&R.D., dated the 30th January 1936.

To

The Private Secretary to His Excellency the Governor,

The Accountant General,

The Audit Officer, Lloyd Barrage and Canals Construction,

The Commissioners of Divisions,

The Commissioners of Excise,

*The Registrar of His Majesty's High Court of Judicature, Appellate Side, Bombay.,

*The Prothonotary, and Senoir Master, His Majesty's High Court, Bombay,

All other Heads of Departments,

All Departments of the Secretariat,

*By letter.

No. of 1936.

Copy forwarded for information and guidance to

Submitted for information

Id/- Record.
14/16 3.36.

Id/-
17/3/36. Id/-
16/3
Id/- 16/3

Government Servants' Conduct Rules
Heads of Departments empowered to sanction acquisition of immovable property under rule 10(2) of ---

GOVERNMENT OF BOMBAY.
Political Department.
Resolution No 6241.
Bombay Castle, 16th October 1929.

RESOLUTION.- In supersession of the orders contained in paragraph 3 of Government Resolution, General Department No. 4227, dated the 12 thxx August 1909, the Governor in Council is pleased to delegate the power to sanction the acquisition of immovable property under rule 10(2) of the Government Servants' Conduct Rules to the Heads of Departments menthoned in the accompanying list.

2. Government Resolution, Revenue Department, No. 2565, dated the 11th March 1907, is hereby cancelled.

By order of the Governor in Council,

J.R. MARTIN,
Chief Secretary to the Government of Bombay,
Political Department.

To

The Revenue Department of the Secretariat,
The Other Departments of the Secretariat,
The Commissioner in Sind,
The Commissioner, Northern Division,
The Commissioner, Southern Division,
The Commissioner, Bombya Suburban Division,
All Collectors including the Deputy Commissioner, Upper Sind Frontier,
The Private Secretary to His Excellency the Governor
The other Heades of Offices under the several Departments of the Secretariat,
* The Prothonotary and Senior Master, High Court, Bombay
*The Registrar of His Majesty's High Court of Judicature Appellate side Bombay
*The Commissioner, Central Division,

* By letter.

Accompaniment to Government Resolution, Political "Department, No. 6241, dated the 16th October 1929.

Heads of Departments to whom the power referred to in paragraph 1 of Government Resolution No. 6241, dated the 16th October 1929, has been delegated.

1. The Chief Secretary and Secretaries to Government
2. The Surgeon General with the Government of Bombay (as Head of the Medical Department and of the Director, Haffkine Institute, Bombay).
3. The Director of Public Health for the Government of Bombay.
4. The Director of public Instruction.
5. The Commissioner in Sind.
6. The Commissioner, Northern Division.
7. The Commissioner, Central Division.
8. The Commissioner, Southern Division.
9. The Commissioner, Bombay Suburban Division.
10. The Chief Conservator of Forests (So far as gazetted officers of the Forest Department are concerned.)
11. The Conservators of Forests, Northern Circle.
12. Central Circle, Southern Circle, and Sind Circle (so far as non-gazetted officers of the Forest Department are concerned.).
12. The Director of Agriculture.
13. The Registrar of Co-operative Societies.
14. The Settlement Commissioner, Director of Land Records and Inspector General of Registration
15. The Commissioner of Excise, Bombay Presidency.
16. The Superintendent, Civil Veterinary Department Bombay Presidency.
17. The Principal, Bombay Veterinary College.
18. The Supe-rintendent of Stapms, Bombay.
19. The Superintendent of Stamps, Karachi.
20. The Revenue Officer, Lloyd Barrage and Canals Scheme.

21....

21. The Collector of Bombay.

22. The Collectors of Districts including the Deputy Commissioner, Upper Sind Frontier (so far assubordinates whom they are competent to appoint are concerned.).

23. The Commissioner of Income Tax, Bombay.

24. The Accountant General (as regards the Provincial establishment employed under him).

25. The Resident and Commander-in-Chief, Aden.

26. The Resident at Kolhapur and Political Agent, Southern Maratha Country States.

27. The Administrator General and Official Trustee, Bombay.

28. The Chief Presidency Magistrate, Bombay.

29. The Chief Judge, Court of Small Causes, Bombay

30. The Honourable the Chief Justice, High Court, Bombay.

31. The Criminal Tribes Settlement Officer, Bombay Presidency.

32. The Judicial Commissioner of Sind.

33. The Inspector General of Police, Bombay Presidency.

34. The Commissioner of Police, Bombay.

35. The Inspector General of Prisons, Bombay Presidency.

36. The Chief Engineer, in Sind and Secretary, Indus River Commission.

37. The Chief Engineer, Lloyd Barrage and Canals Constructing

38. The Chief Engineer, Back Bay Reclamation Scheme.

39. The Superintending Engineers of Circles including those on the Lloyd Barrage and Canals Conals Construction.

40. The Superintending Engineer, Public Health, Bombay. (Poona).

41. The Consulting Architect to Government.

42. The Remembrancer of Legal Affairs.

43. The Director of Industries, Bombay (Vide corrigendum of Political Department No. 6241 February 1930).

*Vide Government Resolution, Political Department, No. 6241 of 9th May 1930.

Finance Department.

The G.R., P.D., No. 6241 dated 16-1-1929. delegated the power to sanction the acquisiat-ion of immovable propert under rule 10(2) of the old Govt. servants conduct Rules to Heads of Deptts. mentioned in the list accompanying that G.R. The P. and R. Deptt. has suggested the insertion of the name of Commr. of Labour in that list.

2. The old Govt. servants Conduct Rules mentioned in the G.R. referred to above applied to all persons holding or exercising any civil office other than a menial office under Govt. The revised Govt. servants Conduct Rules, 1935, apply to members of All-India Services (excluding those hoding offices of Governor, Executive Councillor or Judge of High Court). As regards other services, the Bombay C.S. conduct, Discipline and Appeal Rules (Finl. Publication VIII) have been issued.

3. The list appendeed to G.R., P.D., No. 6241 dated 16-10-1929 as subsequently amended and with the addition, of 'the Commr. of Labour' may be brought into the Final Publication No. VIII, as the list of Heads of Deptts. empowered under rule 14 in that Publication. Before this is done, the Dptt Dptts. may be requested to state whether they have any addition or alteration to suggest to the list.

4. Rule 9(2) of the Govt. servants' Conduct Rules, 1935 requires previous sanction of Govt. before a Govt. servant domiciled in India acquires any immoveable property in India by purchase or gift save for residence. Under rule 2(3)(b), the local Govt. can declare any subordinate uthority to be local Govt. for all any pruposes of the rules. It will be necessary to declare under that rule such heads of Deptts.

as.....

as may beconsidered desirable, to be local Govt.
for purposes of Rule 9(2). The list appended to G.R
P.D., No. 6241 dated16-10-1929 requires to be examined
as many of the entries are not required for rules applying
to All- India services e.g. entries 23, 24, 27, 28, 29 and 43.
All Deptts. of The Secty. except the Separate Dept.
may be requested to examine the list before any orders
are issued under rules 2(3) and 9(2) of the Govt.
servants' Conduct Rules, 1935.

Id. J.S.(antos),
19/6.

(Below copy of the Finance Department office note dated 19th June 1936 and Government Resolution, Political Department No. 6241 dated 16th October 1929).

No 248/33-F(FIN)

Political and Reforms Department,
Bombay Castle, 22nd June 1936.

Forwarded to all Departments of the Secretariat, except the Separate Department, for consideration and remarks.

Sd/-
For Offg. Chief Secretary to the Government of Bombay.

Bombay Civil Services Conduct, Discipline and Appeal Rules and Government Servants Conduct Rules Head of Departments empowered to sanctions acqusition of immovable property.

GOVERNMENT OF BOMBAY.

POLITICAL AND REFORMS DEPARTMENT.

Resolution No. 248/33 (Fin).

Bombay Castle, 28th November. 1936.

Read Government Resolution, Political Department, No. 6241, dated 16th October 1929.

*Government Endorsement No. 248/33-F(Fin), dated 22nd 1936.

*Government Endorsement, Political and Reforms Department No. S. 2-7039 -A. dated 3rd July 1936.

*Government Memorandum, Legal Department, No. 3888, dated 7th July 1936.

*Government Endorsement, General Department, No. 7663/-II/A dated 8th July 1936.

*Government Memorandum, Home Department, No. 7067/2-7536-A dated 8th July 1936.

~~*Government Memorandum, Home Department, No. 7067/2-7536-A, dated 8th July 1936.~~

*Government Endorsement, Revenue Department, No. 1823-F/28 dated 10th July 1936.

*Government Memorandum, Public Works Department, No. 205/36-E, dated 24th July 1936.

RESOLUTION.-- In supersession of the orders contained in Government Resolution, Political Department, No. 6241, dated 16th October 1929, the Government of Bombay are pleased--

(a) to delgate the power to sanction the acquisition of immovable property, under para 1 of Rule 15 of the Bombay Civil Services Conduct, Discipline and Appeal, Rules, ~~to~~ to the Heads of Departments mentioned in the annexed Schedule 'A' and....

and

(b) to declare, in exercise of the po-wers conferred by Rule 2 (3) (b) of the Government Servants Conduct Rules, 1935, the authorities menti ned in the annexed Schedule "B" to be the Local Government for the Purposes of caluse (2) of Rule 9 of these Rules.

By order of the Gcvernor in Council
and of the Government of Bombay
(Transferred Departments),

C. W. A. TURNER,
Chief Secretary to Government,

To

The Accountant Genral, Bombay,
The Private Secretary to His Excellency the Governor of Bombay,
The Commissioners of Divisions,
All Collectors,
The Prothonotary and Senior Master, High Court, Bombay.
The Registrar High Court, Appellate Side, Bombay
All other Heads of Offices under the several Department of the Secretariat,
All Departments of the Secretariat,.

*Not printed.
Printed as accompaniments to this Resolution
By letter.

No . of1936.

Copy forwarded for information and guidance to

Accompaniments to Government Resolution, Political and Reform. Department, No. 248/33-(Fin). dated the 28th November 1936.

SCHEDULE "A"

Heads of Departments to whom the power is delegated for the purposes of para 1 of Rule 15 of Bombay Civil Services Conduct, Discipline and Appeal Rules.

Searial No.	Desingation of officer.
1.	The Chief Secretary and Secretaries to Government.
2.	The Surgeon General with the Government of Bombay (as Head of the Medical Department and of the Director, Haffkine Institute Bombay).
3.	The Director of Public Health for the Government of Bombay.
4.	The Director of Public Instruction.
5.	The Commissioner, Northern Division.
6.	The Commissioner, Central Division.
7.	The Commissioner, Southern Division.
8.	The Chief Conservator of Forests (so far as gazetted officer of the Forest Department are concerned),
9.	The Conservators of Forests, Northern Circle, Central Circle, and Southern Circle (so far as non-gazetted officers of the Forest Department are concerned).
10.	The Director of Agriculture.
11.	The Registrar of Co-operative Societies.
12.	The Director of Land Records.
13.	The Inspector General of Registration.
14.	The Commisssioner of Excise, Bombay Presidency.
15.	The Director of Veterinary Services, Bombay Presidency.
16.	The Superintendent of Stamps, Bombay.
17.	The Collector of Bombay.
18.	The Collectors of Districts (so far as subordinates whom they are competent to appoint are concernde).
19.	The Commissioner of Labour.
20	The Administrator Genral and Official Trustee, Bombay.
21.	The Chief Presidency Magistrate Bombay.
22.	The Chief Judge, Court of Small Causes, Bombay.
23.	The Honourable the Chief Justice, High Court, Bombay.

24...

24. The Backward Class Officer, Bombay Presidency.

25. The Inspector Genral of Police, Bombay Presidency.

26. The Commissioner of Police, Bombay.

27. The Inspector Genral of Prisons, Bombay Prsidency.

28. The All Superintending Engineers of Circles.

29. The Electrical Engineer to Government.

30. The Consulting Architect to Government.

31. The Public Health Engineer to Government.

32. The Remembrancer of Legal Affairs.

33. The Director of Insdustries, Bombay.

34. The Superintendent, Government Printing and Stationery, Bombay.

35. The Director, Sir J.J.School of Art.

36. ---

SCHEDULE "B"

List of authorities declared to be the Local Government for the purposes of Rule 9(2) of the Government Servants Conduct Rules, 1935.

Serial No.	Desingation of officer.
1.	The Chief Secretary and Secretaries to Government.
2.	The Surgeon General with the Government of Bombay (as Head of the Medical Department and of the Director, Haffkine Institute, Bombay).
3.	The Director of Public Health for the Government of Bombay
4.	The Director of Public Instruction.
5.	The Commissioner, Northern Division.
6.	The Commissioner, Central Division.
7.	The Commissioner, Southern Division.
8.	The Chief Conservator of Forests.
9.	The Director of Agriculture,
10.	The Honourable the Chief Justice, High Court, Bombay.
11.	The Inspector General of Police, Bombay Presidency.
12.	The Commissioner of Police, Bombay.
13.	The Inspector Genral of Prisons, Bombay Presidency.
14.	All Superintending Engineers of Circles.
15.	The Remembrancer of Legal Affairs.

Bombay Civil Services Conduct, Discipline and Appeal Rules And Government Servants' Conduct Rules : Heads of Departments empowered to sanction acquisiton of immoveable property.

GOVERNMENT OF BOMBAY.

POLITICAL AND REFORMS DEPARTMENT.

Corrigendum No. 248/33(Fin.)

Bombay Castle, 2nd February 1937.

Read " paragraph 1 of Rule 15" for " Rule 14" in clause (a) of Government Resolution No 248 /33-(Fin) dated 28th November 1936, and in the first line of the heading in Schedule "A" printed as an accompaniment thereto Also read "Rule 9" "for " Rule 19" in clause (b) of the same Government Resolution.

By orderof the Governor in Council
and of the Government of Bombay,,
(Transferred Departments),

J. SANTOS,
For Chief Secretary to Government.

To

The Accountant General, Bombay,
The Private Secretary to His Excellency the Governor,
The Commissioners of Divisions,
All Collectors,
* The Prothonotary and Senior Master, His Majesty's High Court, Bombay,
* The Registrar of His Majesty's High Court of Judicature, Appellate Side, Bombay,
All other Heads of Offices under the several Departments of the Secretariat,
All Departments of the Secretariat.

*By letter.

No. of 1937.

Copy....

Copy forwarded for information and guidance to

Submitted for information.

2. The necessary corrections have been carried out in the Reso. within.

Id/½

17/3/37. Record.

Id/-

18/3

Id/-

18/3

Copy of a letter from the Government of India in the Home Department No. F. 50/10/37- Public, dated the 29th May 1937.

Subject:— Proposed amendment of rule 7 of the Government Servants' Conduct Rules, 1935.

I am directed to forward a copy of a letter from the Government of the United Provinces, No. 1865, dated the 25th March 1937, on the subject noted above and to request that the Government of India may be favoured with the views of the Provincial Government on the amendment proposed; and on a suggestion that an amendment in any such terms should apply to borrowing as well as lending.

Copy of a letter No. 1865, dated the 25th March 1937m from the Governmet of the United Provinces, to the Government of India, Home Department, ~~of India, Home Department~~

Subject:- Proposed amendment of rule 7 of the Government Servants' Conduct Rules 1935.

With reference to paragraph 4 of the Government of India, Home Department's letter No. F.50/15/36-Public, dated Sepatember 19m 1936, to the Chief Secretary to the Government of the North West Frontier Province, a copy which was received with the Home Department 's letter of the same number and date. I am directed to refer tl the follwong proposal for the consideration and orders of the Government of India.

2. Under rule 8(i) of the Government Servants' Conduct Rules made by the Government of India, which corresponds to rule 7(i) of the Government Servants' Conduct Rules, 1935 made by the Secretary of State inCouncil, a gazetted officer may not lend money to any person possessing land within the local limits of his authority, it has come to the notice ....

notice of the Honourable High Court of Judicature at Allahabad that some judicial officers carry on the business of money lending in the names of their wives or sons,. In the Opinion of the Honourable Court this is not desirable, as although it is difficult to prove that the money so lent actually belonged to the officer and not to his wife or son, officers are oftenm. involved in litigation Since then it is open to these officers to invest their money in stocks, shares and Government loans, the Honourable Court consider that the rule should debar not only a judicial officer fromengaging in the business of lending money, but also his wife and any other member of his family living with him; and they see no reason to limit the operation of the rule to lending to persons possessing land within the local limits of his authority, They have accordingly suggested that the rule be amplified to the following effect:-

"A judicial officer may not lend money on interestmmt to any person within the province, nor may he permit his wife or any member of his family living with him to do so, whether the money belongs to the officer or to the person lending it." The Honourable the Chief Court genefally agree with this suggestion.

3. The local Government gonsider that the proposal is sound in principle and that it should be made applicable to other services also. They accordingly propose in due course, in exercise of the powers conferred on them by rule 48(2) of the Civil Services (Classification, Control and Appeal) Rules, to make a rule on the lines suggested, to govern, officers of the provincial and subordinate services funtioning in the provincex.

4. The Governor incouncil, however, feels that officers of the provincial and subordinate services should not be governed by rules more stringent than those which apply to officers of the Imperial services. I am, therefore, to suggest that if they Gov-ernment of India see no objection the Secretary of State be moved to amend in its a-pplication

to the officers of theIndian Civil Service and other all -India services, rule 7(1) of the Government Servants' Conduct Rules, 1935, on the lines indicated in paragraph 2 of this letter.

Below copies of letter from the Government of India, Home Department, No. F. 50/10/37-Public, dated the 29th May 1937, and its accompaniment.

, No. 1581/34-D.
Political and Reforms Department.
Bombay Castle, 10th June 1937.

Forwarded with compliments to-

The Commissioners of Divsions,
All Secretaries to Government,
The Inspector General of Police,
The Commissioner of Police, Bombay.

with a request that their views on the question raised by the Government of India may kindly be furnished to Government at an early date.

By order of the Governor of Bombay,
Sd.-
For Chief Sefretary to the Government of Bombay, Political and Reforms Department.

Amendment in the Government Servants' Conduct Rules, 1935 applicable to Government Servants under the control of the Secretary of State in Council.

For sub-rule (1) of rule 2 of the said Rules, the following shall be substitued, namely:--

(1) No Government servant shall take part in, subscribe in aid of, or assit in any way, any political movement in India,

or....

or relating to Indian affairs.

Below copy of an amendment slip to the Government Servants' Conduct Rules, 1935.

No. 1581/34-D.

Political and Reforms Department,

Bombay Castle, 29th May 1937.

Forwarded with compliments to:-

1. All Members of the All-India Services,
2. All Members of the Indian Ecclesiastical Establishment,
3. The Secretary to His Excellency the Governor,
4. All Departments of the Secretariat.

By order of His Excellency the Governor,

V.H.Vachhrajani.

For Chief Secretary to the Government of Bombay,
Political and Reforms Department.

E.B.

Submitted.

2. SerialNo. 11669.- The Govt. of the United Provinces propose to amend rule 7 (1) of the Govt. Servants' Conduct Rules, 1935, (which are applicable to members of the All-India Services). The present and proposed rules are shown below:-

Present rule 7 (1).	Proposed rule 7 (1)
(1) No government servant shall lend money to any person possessing land within the local limits of his authority, or except in the ordinary course of busniess with a bank or firm of standing borrow money from or otherwise place himself under a pecuniary obligation to, any person subject to his official authority, or residing, possessing immovable property or carrying on business within the local limits of such authority; Provided that this sub-rule shall in its application to the dealings of a government servant with a cooperative Society registered under the Cooperative Societies Act, 1912 (II of 1912), or under any Provincial Coperative Societies Act, be subject to such relaxation as the Local Government may by special or general order direct.	(1) A Government officer may not lend money on interest to any person within the province, nor may he permit his wife or any member of his family living with him to do so, whether the money belongs to the officer or to the person lending it.

It is presumed that the Govt. of the United Provinces have no objection to the Proviso to existing rule 7(1) remaining in force. The corresponding rule applicable to members of the Provl. and Subdte. services under the administrative control of this Govt. is rule No. 12(1) of the Bombay Civil Services Conduct, Discipline and Appeal Rules.

The Govt. of United Provinces also propose to make a similar rule to govern officer of the Provl. and Subdte . Services

functioning in that provinc/e. The Govt. of India have asked for the views of other local Govts. on the amendment proposed as also on a suggestion that an amendment in similar terms should apply to borrow-in-g as well as lending.

There would appear to be no objection to the amendment proposed in the rule regarding lending and to make it applicable to numbers of all services. If how ev/er, an amendment in similar terms is made in respect of borrowing, it is likely to cause some hardship. The present rule on this point seems to be sufficient. Before communicating this Deptt's views to the F.D. it would perhaps be desirable to have the views of the local officers in the matter. The necessary draft is put up for approval.

consideration of this n be deferred till after receipt of the remarks the S. Es.

Id/-
25/7

3. Serial No. 11670.- The necessary correction has been carried out in sub-rule 1(1) of rule 20 of the Govt. Servants' Conduct Rules 1935.

Id/-
23/7/37.

Below copy of letter from the Govt. of India, Home deptt. , No. F. 50/10/37 Public dated 29-5-37 and accompt.

No. 205/36-E.
Public Works Deptt.
B.C. 26th July 1937.

Copy forawrded with compliments to the
the S.Es. of Central Irrign. and Hydrodynamic Research station,
the El. Engr. to Govt. ,
the Con. P.H.Engr. to Govt.

With request that they will favour Govt. as early as possible with thier vies on the amendement proposed by the Govt. of the United Provinces in the rule regarding lending of money by members of all India, Provl, and Subdte. Services as also on the suggestion that an amendment in similar terms should apply to borrowing as well as lending.

By order of the Govr. of Bombay.

Id /-
23/7/37.

Id/- 25/7

Copy of a letter from the Government of India in t. Home Department No. F. 50/10/37-Public, dated the 29th May 1937.

Subject:- Proposed amendment of rule 7 of the Government Servants' Conduct Rules, 1935.

....

I am directed to forward a copy of a letter from the Government of the United Provinces, no. 1865, dated the 25th March 1937, on the subject noted above and to request that the Government of India may be favoured with the views of the Provincial Government on the amendment proposed; and on a suggestion that an amendment in any such terms should apply to borrowing as well as lending.

Copy of a letter No. 1865, dated the 25th March 1937 from the Government of the United Provinces, to the Government of India, Home Department.

Subject:- Proposed amendment of rule 7 of the Government Servants' Conduct Rules, 1935.

.....

With reference to paragraph 4 of the Government of India, Home Department's letter No. F. 50/15/36-- Public dated September 19, 1936, to the Chief Secretary to the Government of the North West Frontier Province, a copy of which was received with the Home Department's letter of the same number and date. I am directed to refer the folluing proposal for the consideration and orders of the Government of India.

2. Under rule 8(1) of the Government Servants' Conduct Rules made by the Government of India, which corresponds to rule 7 (1) of the Government Servants' Conduct Rules, 1935 made by the Secretary of State in Council, a gazetted officer may not lend money to any person possessing land within the local limits of his authority. It has come to the notice of the Honourable High Court of Judicature at Allahabad that

some.....

some judicial officers carry on the business of money lending in the names of their wives or sons. In the opinion of the Honourable Court this is not desirable, as although it is difficult to prove that the money so lent actually belonged to the officer and not to his wife or son, officers are often involved inlitigation. Since then it is open to these officers to invest their money in stocks, shares and Government loans, the Honourable Court consider that the rule should debar not only a judicial officer from engaging in the business of lending money, but also his wife and any other member of his family living with him; and they see no reason to limit the operation of the rule to lending to persons possessing land within the local limits of his authority. They have accordingly suggested that the rule be amplified to the follwing effect:-

"A judicial officer may not lend money oninterest to any person withing the province, nor may he permit his wife or any member of his family living with him to do so, whether the money belongs to the officer or to the personlending it." The Honourable the Chief Court generaally agree with this suggestion.

3. The local government consider that the proposal is sound in principle and that it should be made applicable to other services also. They accordingly propose in due course, in exercise of the powers conferred on them by rule 48(2) of the Civil Services (Classication, Control and Appeal) Rules,to make a rule on the lines suggested, to govern officers of the provincial and subordinate services funxtioning in the province.

4. The Governor in Council, however, feels that officers of the provincial and subordinate services should not be governed by rules more stringent than those which apply to officer of the Imperial services. I am, therefore, to suggest that if the Government of India see no objection the Secretary of State be moved to amend its application to the officers of the Indian Civil Service and other

all....

all-India services, rule 7(1) of the Government Servant Conduct Rules, 1935, on the lines indicated in paragraph 2 of this letter.

URGENT.

No. 205/36-E.
Public Works Department.
Bombay Castle, 26th July 1937.

Copy forwarded with compliments to-

The Supeintending Engineers of Circles,
the Director, Central Irrigation and Hydrodynamic Research station,
the Electrical Engineer to Government,
the Consulting Public Health Engineer to Government

with a request that they will favour Government, as early as possible, with their views on the amendment propose by the Government of the United Provinces in the rule regarding lending of money by members of All India Provincial and Subordinate Services, as also on the suggestion that an amendment in similar terms should apply to borrowing as well as lending.

By order of the Governor of Bombay ,

Sd/- P. F. Dias.

For Deputy Secretary to the Government of Bombay, Public Works Department.

No. G.R.19/310/ of 1937.

Public Works Department,

Poona, 30th July 1937.

From

The Superintending Engineer,

Central Circle, Poona

To

The Secretary to Government,

Public Works Department,

Bombay.

Subject:- Proposed amendment of rule 7 of the Government servants conduct Rules, 1935.

Sir,

With reference to Government Memorandum No. 205/36-E dated 26th July, 1937, I have the honour to state that I consider the proposed amendment desirable so far as the lending of money by members of the All India, Provincial and Subordinate services are concerned An amendment insimilar terms should not however apply ~~thm~~ to the borrowing of money at least as regards members of the Subordinate Services as it is likely to cause hardship in such cases.

I have the honour tobe,

Sir,

Your most obedient Servant

Sd/-

Superintending Engineer, C.C

No. G.R. 19. Public Works Department,

Belgaum, 29 July, 1937.

From

H.J.M. Cousens, Esquire,
Superintending Engineer,
Southern Circle.

To

The Secretary to Government,
Public Works Department, Bombay.

Subject:- Proposed amendment of rule 7 of the Government Servants' Conduct Rules, 1935.

Sir,

With reference to Government Endorsement (P.W.D.) No. 205/36-E, dated the 26th July, 1937, I have the honour to state that I see no objection to the amendment proposed by the Government of the United Provices in the rule regarding lending of money by members of the All India, Provincial and Subordinate services as also to the suggestion that an amendment in similar terms should apply to borrowing as well as lending.

I have the honour to be,

Sir,

Your most obedient servatn,

Sd/-

Superintending Engineer,
Southenn Circle.

No. 512 of 1937.

Poona 3rd August 1937.

From

The Director,
Central Irrigation &
Hydrodynamic Research Station,
Poona.

To The Secretary to Government
of Bombay, Public Works Department,
Bombay.

Subject:- Proposed amendment of Rule 7
of the Government Servants
Conduct Rules, 1937.

Sir,

With reference to Government endorsement No. (P.W.D.) 205/36-E, dated 26th July 1937, I have the honour to state that I see no objection to the proposed amendment but suggest that the words "Living with" may be changed to "dependent on". The amended rule should apply to borrowing also.

As regards its application to other services, am of opinion that it should not be made applicable to the Subordinate Services. So far as my experience is concerned, the latter are not generally in a position to lend and they may have to borrow money at times, su as thread, marriage and religious ceremonies, which it is necessary for them to perform according to their social custom and also at times of sickness.

I have the honour to be,

Sir,

Your most obedient serva

Sd/-

Director,
Central Irrigation &
Hydrodynamic Research Statio.

OFFICE OF
THE ELECTRICAL ENGINEER TO GOVERNMENT,

P. W.D. OFFICE, CHURCH GATE STREET:

Bombay, 7th August 1937.

In reply please quote without fail No. G.2/1338 of 1937.

From

THE ELECTRICAL ENGINEER TO GOVERNMENT,

Public Works Department
BOMBAY:

To

The Secretary to Government,
Public Works Department,
Bombay.

Re: Proposed amendment of rule 7 of the the Government Servants Conduct Rules, 1935.

With reference to Government, Public Works Department, endorsement No. 205/36-E, dated the 26th July, 1937, I have the honour to state that I agree to the proposed amendment of rule 7 (1) of the Government Servants' Conduct Rules, 1935, and the suggestion that an amendemnt in similar terms should apply to borrowing as well.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/-

Electrical Engineer to Govt.

very Urgent.

No. 4246 of 1937.

Poona 12 August 1937.

Subject:- Proposed amendment of rule 7 of the Government Servants' Conduct Rules, 1935.

Memorandum.

The undersigned returns compliments to the Deputy Secretary to the Government of Bombay, Public Works Department and with reference to Government Endorsement No. 205/36-E dated the 26th July 1937, has the honour to state that the undersigned agrees that the members of a Government servant's family should be prevented from doing money lending business in the locality of the Government servant's employment as well as the Government servant himself; but it is considered that the rule as at present worded is too drastic as it may prevent a Government servant or the members of his family from helping a friend or a person with whom they may come into daily contact in a difficult time; so also it may prevent him when in difficulty from borrowing money from a friend or an acquaintance.

2. The proposed rule should prohibit a Government servant or the members of his family from doing money lending business of any kind but should permit lending with or without interest in bonafide cases of a personal nature. Similarly borrowing may be permitted from Banks and friends or on mortagages in cases of real difficulty. Giving of an intimation to the head of the Department in the case of all such transactions should be insisted upon if considered necessary.

3. This also disposes of Government Memorandum No.2 dated the 11-8-1937.

Sd/-

Superintending Engineer, D.I.C.

No. 1248 of 1937.

From

N. K. JOGLEKAR, Esquire, L.C.E.,

Ag.CONSULTING PUBLIC HEALTH ENGINEER
TO GOVERNMENT, BOMBAY.
POST BOX NO.39. POONA:

To

The Secretary to Government,
Public Works Department, Bombay.

Poona 13th August 1937.

SUBJECT:---

Proposed amendment of Rule 7 of the Government Servants' Conduct Rules, 1935.

SIR,

With reference to Government Endorsement, P.W.D., No. 205/36-E, dated the 26th July 1937, I have the honour to say that Government Servants of the Provincial Service, Class II, or Subordinate Service in Departments other than Revenue or judicial, are never in a position in which they can, even if they want to, bring to bear any undue or illegitimate influence on a ----- possessor of land unconnected officially with them. The rules need not be made more stringent in their cases, than they are at present.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/-

Ag. Consulting Public Health Engr.
to Government.

No.G.38/6118 of 1937.

OFFICE OF THE SUPERINTENDING ENGINEER,

NORTHERN CIRCLE:

Bombay. dated 17th August 1937.

From

The Superintending Engineer,

Northern Circle:

To

The Secretary to Government,

Public Works Department,

Bombay.

Subject:- Proposed amendment of Rule 7 of the Government Servants' Conduct Rule 1935.

Sir,

With reference to Government Memorandum, P.W.D. No. 205/36,E, dated 26th July 1937, I have the honour to state 'that I see no objection to the amendment proposed by the Government of the United Provinces in Rule 7 of the Government Servants' Conduct Rules 1935 regarding lending of money, being made applicable to all Government servants of All India Provincial and Subordinate Ser-vices.

2. I do not consider that a similar restriction should be laid against borrowing.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/-

Superintending Engineer, N.C.

E.B.

Submitted with reference to office note dated 23-7-37 and Govt. Memo. No. 205/36-E, dated 26-7-37.

2. The reports of the officers consulted in the matter have been received and are discussed below.

As regards the amendment proposed in the rule regarding lending of money. The S. E., Central, Southern and Northern Circles and the Elec. Engr. to Govt. are in favour of the proposed amendment and to its being made applicable to members of the All India Provl, and Subdte. Services. The Dir,, Central Irrign. And Hydrodynamic REsearch Staion, is also in favour of the proposed amendment but suggests the substitution of the words "dependent on" for the words "living with". He also suggested that it should be made applicable to members of the All-India and Provl. Service only. The S.E.,D.I.C., agrees to the principle underlying the proposed amendment, but considers that it should be drafted in such a way as to permit lending with or without interest in bona fide cases of a personal nature. The Con.P.H. Engr. is not in favour of the proposed amendment.

It will be seen that the majority of the officers are in facour of the proposed amendment. As regards the S.E., D.I.C's view, it is observed that the proposed amendment prohibits lending of money on interest. If a Govt. servant is desireus of helping a friend, or somebody in whom he is personally interested, he can do so by lending him money without interest. In the circumstances, it is for consideration whether this Deptt. may agree to the proposed amendment with the proviso that the words 'dependent on' may be substituted for the words 'living with' and to its being made applicable to members of All-India, Provl, and Subdte. services. The existing proviso to rule 7(1) of the Govt. Servants' Conduct Rules and to rule 12 of the Bombay Civil Services

Conduct....

Conduct, Discipline and Appeal Rules, regarding lending to or borrowing by Govt. servants from Cooperative Societies will of course remain in force.

As regards the suggestion that an amendment in similar terms should apply to borrowing also. The S.E., S.C., and Elec. Engr. to Govt. are in favour of the suggestion. The S.Es., Central , Northern and D.I. Circles and Con. P.H.Engr. to Govt. are agaist the suggestion as it would cause hardship. The Dir., Central Irrign. and Hydro-dynamic Research STation, also is against the suggestion being made applicable to members of subordinate services. This Deptt. may if approved agree with the view of the view of the majority of the officers that the proposed amendment should not apply to borrowing. The existing rule (rule 7 of the Govt. Servants' Conduct Rules and rule 12 of the Bombay Civil Services Conduct Discipline and Appeal Rules) seems adequate and no alteration seems to be called for.

B

I agree
Id/-
2/9

On receipt of orders the necessary draft to the P. & R. Deptt. will be put up.

Id/-.

2-9-37

For Secyis orders.

I agree as at A. B.

Id/-
2/9

-D.S.

I Agree

Id/-
4/9/57

Secy.

205/36.

No. 205/36-E.

Public Works Deptt.

B.C., 7th Sept. 1937.

Memorandum.

Subject:- Proposed amendment of rule 7 of the Govt. Servants' Conduct Rules, 1935.

....

With reference to his memo No. ~~B~~1/34- D, dated 10-6-37, on the subject mentioned above, the Chief Sec . to the Govt. of Bombay. Poll. and Reforms Deptt., is informed with compliments that this Deptt. has no objection to the amendment proposed by the Govt. of the United Provinces in the rule regarding lending of Money by members of the All-India, aProvl. and Subdte. Services but suggests that the words 'dependent on' may be substituted for the words 'living'with' in the proposed amendment. This Deptt. is of opinion that an amendment in similar terms should not apply to borrowing, and that the existing proviso to rule 7(1) of the Govt. Servants' Conduct Rules and to rule 12 of the Bombay Civil Services Conduct, Discipline and Appeal Rules, regarding lending to or borrowing by Govt. servants from Cooperative Societies should remain in force.

By order of the Govr. of Bombay,

Id/-

7/9/37

Id/-
7/9/37.

~~Thrk~~ For D.S.

Government servants and the forthe coming elections.

GOVERNMENT OF BOMBAY.
Legal Department.
Circular No. 421 El. General.
Council Hall, Poona, 22nd/24th October 1945.

In view of the ensuing elections to the Central Legislative Assembly and the Provincial Legislature all Heads of Offices under the several Departments of the Secretariat are requested to bring to the notice of all all Government servants under them the provisions of the rule 20 of the Government Servants' Conduct Rules and rule 30 of the Bombay Civil Services Conduct, Discipline and Appeal Rules to the effect that a Government servant shall not canvass of otherwise interfere or use his influence in connection with, or take part, in, any election to a legislative body otherwise than in pursuance of the orders of a higher authority. A government servant who is qualified to vote at an election may, however, exercise his right to vote, but if he does so, shall give no indication of the manner in which he proposes to vote or has voted. All Government servants should be warned that severe disciplinary action will be taken against any Government servant who acts in contravention of these provisions. Cases of such contravention or complaints of all-eged contravention of these provisions should be reprerted to Government.

By order of the Governor of Bombay

K. M. CHITNIS,

For Secretary to Government.

To

All Departments of the Secretariat (with a request to issue instructions to all Heads of Offices under them).

The Secretary to Governor.

No. 205/36-E(II) Public Works Department,

Bombay Castle, 31st October 1945.

Copy forwarded to --

the Superintending Engineers of Circles,
the Electrical Engineer to Government,
the Public Health Engineer to Government,
the Special Officer (Electric Grid),
the Director, Development Department Chawls, and
all Executive Engineers of Divisions.

for information and guidance

By order of the Governor of Bombay,

Sd/- D.N.Daruwala.

Assistant Secretary to the Government of Bombay,

Public Works Department.

Government Servants' Conduct Rules
Sending of Christmas and New Year cards by clerks and subordinate officials to their superior officers and to high officials of Government.

~~ANNEXX~~

GOVERNMENT OF BOMBAY.

POLITICAL AND SERVICES DEPARTMENT.

Circular No. 1581/34.

Bombay Castle, 15th November 1945.

CIRCULAR.

The attention of all Heads of Departments and Offices under the several Departments of the Secretariat is invited to Government Circular, Political and Services Department, No. 1581/34, dated the 24th October 1940, and they are requested to bring to the notice of all concerned the instructions that clerks and subordinate officials should not send Christmas and New Year cards to their superior officers and high officials of Government.

By order of the Governor of Bombay,

J. CHAVES,
for Chief Secretary to to the Government of Bombay,
Political and Services Department.

G.C.No. 1581/34, P. & S. D., dated the 15th November 1945.

To

The Secretary to the Governor,
The Director of Information (with a request that a Press Note should be issued immediately),
All other Heads of Departments and Heads of offices under the several Departments of the Secretariat,
All Departments of the Secretariat.

Copy forwarded for information and gudance to

No. of 1945.

Government Servants' Conduct Rules, Sending of Christmas and New Year cards by clerks and subordinate officials to their superior officers and to high officials of Government.

GOVERNMENT OF BOMBAY.

POLITICAL AND SERVICES DEPARTMENT.

Circular No. 1581/34.

Bombay Castle, 24th October 1940.

CIRCULAR.

The attention of all Heads of Departments and Offices under the several Departments of the Secretariat is invited to the Press Note, dated the 15th December 1939 (vide Government Endorsement, Political and Services Department, No.1581/34-D dated the 15th December 1939), and they are requested to bring to the notice of all concerned the instructions contained therein, namely that clerks and subordinate officials should not send Christmas and New Year cards to their superior officers and high officials of Government.

By order of the Governor of Bombay,

H. T. SORLEY,
Chief Secretary to the Government of Bombay,
Political and Services Department

To

The Secretary to the Governor,

The Director of information (with a request that a Press Note should be issued immediately

All other Heads of Departments and Offices under the seve Departments of the Secretariat,

All Departments of the Secretariat.

No. of 1940

Copy forwarded for information and guidance to

Government Servants Conduct Rules,
Collection of subscriptions by Official agency.

GOVERNMENT OF BOMBAY.

POLITICAL AND SERVICES DEPARTMENT.

Circular No. 1581/34.

Bombay Castle, 2nd April 1946.

Circular.

In Government Resolution General Department, No. 2494 dated the 26th August 1925 it has been laid down that no Government officer should collect or take part in the raising of subscriptions for public purposes without the previous sanction of Government. Sanction is also required under rule 6 of the Secretary of State's Services (Conduct) Rules, 1942, and rule 7 (2) (b) of the Bombay Civil Services Conduct, Discipline and Appeal Rules. There may, however, be occasions on which unsolicited donations are offered to Collectors in connection with some celebrations or for some charitable objects. In such cases, the following action should be taken:-

(i) If the donation is in connection with any particular celebration the Collector may offer to forward it to the Committee in charge of the celebration.

(ii) If the donation is not in connection with any celebration, the Collector may commend to the donor any particular charitable object, e.g., local maternity home or hospital or the Indian Red Cross, and offer to forward it to the appropriate quarter. Where the object for which the donation is given is a new one and the Collector considers it worthy of support, he may either form a non-official committee to receive the donation and take further steps to attain the object in view, or, where the donation is large one (Rs. 10,000 or more), refer the matter to Government for instructions. If, however, in the opinion of the Collector the proposed object is considered either undesirable or unnecessary, he may commend to the donor some deserving cause or charity which is in existence, and take such further action

as.....

is may be necessary.

2. Where a donation is offered to a Head of a Department other than the Collector, he may either deal with it in the manner indicated in paragraph 1 above, or pass it on to the Collector concerned, as he may think fit.

3. In all other cases, the offers of donations should be passed on to the Collector or the Head of the Department Concerned, as the case may be, for necessary action in accordance with these orders.

By order of the Governor of Bombay

H. T. SORLEY.

Chief Secretary to the Government of Bombay,

Political and Services Department,.

G.C.No. 1581/34, P.& S. D., dated the 2nd April 1946.

To

The Secretary to the Governor,

The Accountant General, Bombay.

All Heads of Departments and Heads of Offices under the several Departments of the Secretariat.

*The Prothonotary and Senior Master, High Court, Bombay,

* The Registrar, High Court, Appellate Side, Bombay,

All Departments of the Secretariat.

*By letter.

No. of 1946.

Copy for warded for information and guidance to

Below copies of notes recorded in the Political and Services Department in regard to Government's decision in frame a rule for incropration in the Bombay Civil Services Conduct, Discipline and Appeal Rules Requiring Government servants under the rule-making control of the Government of Bombay (excluding those belonging to inferior service) to furnish periodical returns showing the moveable property held by them and their dependants.

CONFIDENTIAL. No. 1581/34-D.

Political and Services Department.

Bombay Castle, 30th September 1946.

Forwarded with compliments to all Secretaries to Government (including Joint Secretary, Reconstruction Department). It is proposed that the question dealt with in the notes should be discussed in a Secretaries' meeting.

2. Intimation about the date and time at which the meeting will be held will be sent in due course.

By order of the Governor of Bombay,

Sd/-

for Chief Secretary to the Government of Bombay

Political and Services Department.

A-CCOMPANIMENTS:

COPIES:

Decision of Government reached at a Council of Ministers on the 15th June 1946.

Item 7:- Framing of a rule to provide for the returns of moveable property by Government servants.

As regards the secretary of State's services, it was decided that the legal position should be examined in respect of competence. As regards the Bombay Civil services, it was decided that a rule should be drafted. Following subsidiary decisions were taken:-

(1) That moveable property should be confined to cash....

cash, stocks, securities, ornaments and valuables.

(2) That returns in respect of parents should not be called for.

(3) That the inferior services should be excluded.

(4) That the form of return should be considered in the Department and any administrative difficulties should be examined in the meantime.

The maincase in which the question of obtaining property returns from Government servants was being considered has been referred u.o. to the Rememberancer of Legal Affairs for examining the competence or other wise of Provincial Governments to obtain returns regarding moveable ;properties from officers of the Secretary of state's services. As regards government servants under the rule-making control of this Government, the decision of Government is that returns shcwing the moveable property possessed cr acquired by them should be obtained from these persons. Government has also decided that:-

(1) The moveable property should be confined to cash, stocks, securities, ornaments and valuables.

(2) Returns in repsect of parents should not be called for

(3) the inferior services should be excluded.

(4) the form of return should be considered in the Department and any adminsitrative difficulties should be examined in the meantime.

2. Before a rule is drafted, it seems it would be necessary to have clear orders on the following points, viz.,

(1) Whether, as in the case of immoveable property, prior permission is to be obtained by a Government servant for purchasing any moveable psoperty like stocks, securities, etc., or whether only periodical returns sshowing such pro-perty held by him are to be submitted by him.

(2)....

(2) If prior permission is necessary, wheter any limit should be fixed up to which no such permission would be necessary.

(3) Whether the returns are to be obtained from all for whether such of the Government servants who have been exempted from the submission of landed property returns should be exempted also from the submission of returns in respect of movable properties.

perhaps orders of Government may be obtained on these points in the first instance.

3. It would not, it seems, be necessary to specifically exclude the properties possessed or acquired by parents. Under rule 15(1) of the the Bombay Civil Services Conduct, Discipline and Appeal Rules, a Government servant is to include in his landed property return the property held or acquired by himself , his wife and any other person living with or in any way dependent upon him. If, therfore, the parents of a Government servant live with him and are dependent upon him, he has to include properties held by them also in the return submitted by him. On the analogy of this, a Government servant may be required to include the moveable property possessd by his parents also, if they are depaendent on him, in the returns submitted by him.

4. For order.

Id. KPN' 16/7/46

U.S. ... We had better prepare a skeleton draft on the lines of Rule 15 dealing with moveable property. Please prepare it and resubmit.

Id. C.K.M(aru) 16/7/46.

Resubmitted with reference to the under Secretary's ntoe.

2. A tentative draft rule tis put up as directed by Under Secretary. The draft ruoe is subject to orders on the points

mentioned...

mentioned in the office note dated the 16th July 1946. The Remembrancer of Legal Affairs will be requested to scrutinize the draft after the principles involved therein are approved by Government.

3. As regards the form in which the declaration is to be submitted, it seems, it would suffice if the form prescribed in respect of immoveable property is adopted for this purpose with suitable modifications. A draft form is put up for approval The form on being approved will be prescribed by a Government Resolution after the proposed new rule is notified.

4. In the draft rule, it is propsed to call for returns from Government servants (i) at the time of appointment, (ii) subsequent alterations, if any, on the first of April of every year, and (iii) renewal of the whole declaration decennially. This is done on the analogy of the declaration of landed propery under rule 15(1) of the Bombay Civil Services, Conduct, Discipline and Appeal Rules. The rule does not provide for the submission of immediate returns by those who are already in service. Immediate returns from such persons (i.e. those who are already in service) will have to be called for by executive orders. Necessary drafts calling for these returns will be put up after the principles underlying the returns -vide the draft rule - are approved.

Id/- K.P.N.

17/6/46

U.S.... The view experessed in paragraph 3 of office note dated the 16th July 1946 seems to be correct to that the question of excludin parends of Government servants from the operation of the propmed rule, specifically does not arise. To put it conversely, the rule does not call for returns of parents, who if dependent on the Government servant concerned, are included authmatically and that is as well for our purposes.

There is no need to ask Government servants that they should purchase any moveable property of the description given in the proposed note, without previous permission of competent authority; it should be possible to place every one concerned

with....

with the help of the periodical return. Moreover, that is not really necessary for the object in view. If perior permissionis not to be sought, point (2) in paragraph 2 of office note of 16th July 1946, will not survive.

(1) As for point (3), in the same paragraphx, no exemptionbeyond that contemplated in favour of inferior servants may be allowed. Many a Government servant may have moveable property while a few can think of going in for immoveable property.

The draft rule put up by office follows closely the rule regarding immoveable property-viz. Rule 15 in Bombay Civil Services, Conduct, Discipline and Appeal Rules. I don't think it is necessary to include in the scope of this rule candidates for Government service, since, speaking generally, a candidate for Government service is not expected to possess any moeable property worth the name though he may have inherited immoveable property from his ancestors: In these days such inheritance is fast disappearin except in the case of upper middle class and rich people; the latter being mostly in commercial field. I have revised the draft put up by office on the assumption that the points of view urged above will be acceptable to Government

Id/- C.K.M(aru) 22/7/4 6

C.S.... The department is asked to consder any adminstrative and practical difficulties in working the rule as drafted. This point should be noted upon first.

(Id.H.T.S(orley)

23/7/46

Submitted with reference to C.S. dated the 23rd July 1946.

2. According to the draft rule as amended by U.S., all Government servants will be required to submit declarations of the moveable property held by them or their wives, etc. on first appointment and thereafter annually. So far as the submissionor receipt of these returns are concerned the administrative arrangements will be the same as

those.....

these in respect of moveable properties prescribed by rule 15 of the Conduct Rules. The main object in obtaining the immoveable property returns was to see that the Government servant was, as far as possible not posted in a District where he owned substantial property. The returns were also apparently utilised in determining whether or not permission for any further purchases of such property should be given. The object in obtaining returns of moveable properties is, on the other hand, manifestly to check that Government officers do not make money by corrupt methods. There will be a great tendency on the the part of the Government servants. Who may have made money by dishonest means, to conceal as much of the property as possible. There is also a greater scope to conceal such property by benami or such other clandestine dealings. These difficulties had already been pointed out to Government. It does not seem any effective method is feasible whereby to chack that an officer furnishes only the correct returns. But an officer who deliberately furnishes false reports will make himself liable to the charge of having furnished such false reports if the fact subsequently comes to light and he can be dealt with departmentally for that. We have recently revived the Anti-corruption committees and invited the public also to bring to the notice of these Committees or Government the dishonest methods used by Government servants and the Anti-corruption Committees may be expected to work as a deterrent to an officer who may be a potential concealer from Government of the property possessed by him. It may not be adivisable to issue any directives to the Anti-Corruption Committees to chack whether the officers submit correct returns as any such measure may ultimately lead to unnecessary harassment of Government servants as a result of frivoulus allegations made by irresponsible Persons.

In the circumstances, it seems best to watch for some time how the returns are submitted and whether there

is any general tendency on the part of Government servants to furnish false returns and to devise in due course suitable methods to couteract such tendency, if found necessary. Save for the possible tendency to submit false returns there does not appear to be any other practical difficulty in obtaining these returns.

Id.KPN 26/7/46.

U.S. ... The object of the rule is clear enough, but if the intention is that Government itself (in the Secretariat Department concerned) should get the return and also check each such return immediately and every year, the task will be colossal. The rule as drafted provides for submission of returns to respective appointing authorities and not even to the Heads of Department to which those authorities may be subordinates. It has been assumed also that the provision is being made to impose a normal service obligation and that it has no direct basis in the fact that Government wants to check up "holdings" of its servants during a specified period e.g. during the period of the war when a Government servant, speaking generally, was exposed to abnormal temptations.

But the rule as framed is sufficiently elastic and the form attached to it bound to produce as much information as may be extracted without appearing to pry too much into the Government Servants' private and personal affairs It may be remembered that calling for a return of moveable property is not the same thing as calling for a return of immoveable property, for the simple reason that the latter is there for any one to see, and the owner may disclaim it to the permanent detriment of his interests. Such is not the case with moveables.

The fact, however, remains that there are difficulties in working the rule as framed or as may hereafter be framed. The administrative difficulties are not insuperable and may be overcome by experience since experience alone will show what these are. On the other hand, practical difficulties are great and varied and I wonder if it will be

possible....

possible to meet these at all. For example A has cash, stocks, secutities, ornaments, valuables, etc. but may not account for his holdings under all items or may account for say only half or even less than half of what he actually possesses in one form or another. I submit that no "service rule" will or can adequately meet any such position A "service rule" is made for a Government servant and not for a "suspect" which type can and may, on information, be dealt with under the approapriate penal sections.

Id.C.K.M(aru) 16/8/46.

C.S. ... The form put up does not seem to be very conveniently ar-range since the forms is one for an individual to fill up. It would be better to arrange it in the manner suggested by me in the specimen attached. It is also not easy to calculate the administrative difficulties unless some indication is given of the number of persons likely to be affected and how they are distrubted over various kindsly of services. Can a rough approximattion of this be given? - no exact statical information is needed but perhpas F.D. can give an idea. I presume that each authority will have to collect the forms of the persons subordinate to it at each stage and submit to higher authority and each such authority will have to pass on its own forms to still higher authority. All must end up in the Secretariat and some kind of examination of them there will be needed. These are some of the administrative difficulties that have to be looke at. The case must be treated with all despatch as it has been already much delayed and both H.P.M. and H.M.(R&H) have been asking about the disposal.

Id. H.T.S(orley)17/8/46

POLITICAL AND SERVICES DEPARTMENT.

"D" BRANCH

Submitted with reference to ..... the Chief Secretary's note.....(dated the 17th August 1946).

2. The Finance Department has furnished the figures showing the number of permanent Government servants who will be covered by the proposed new rule and will have to submit returns showing the moveable property held by them - vide the statement at..... The number of Provincial Service officers is 2, 178 and that of those in the subordinate Services is 54, 655. As pointed out in the office note, dated the 24th August 1946. it will be advisable to confine only to the permanent strength as any inflated figures including the temporary staff would not be a correct guide in devising any administrative machinery for collecting the returns.

3. Under rule 15(1) of the B.C.S.C.D. and A.Rules, returns about immoveable properties are to be submitted to the appointing authorities i.e. by those in the subordinate services to the Heads of their offices or of Departments according as the one or the other is their appointing authority and by the gazatted officers to Government in the administrative Department. Those returns are to be submitted through the proper channel. The proposed draft rule 15-A contemplates submission of returns of moveable properties on first appointement and thereafter annually. If all the returns are ultimately to come to Government, as presumably contemplated by C.S. it will, as pointed out by U.S (Mr.Maru) mean a colossal work. (The number of returns according to the figures furnished by F.D. will be about 57,000 per year). It is submitted that there does not seem to be any particular reason why the returns from those in the

subordinate.....

subordinate services should come so far as to Government and not be submitted only up to the Heads of Offices or Departments as in the case of those in respect of immoveable properties. It is true that, as the object in obtaining the moveable property returns is to check whether any officer is acquiring any such property by dishonest means, such returns will require more careful and responsible checking, but there seems to be no reason why the Heads of Deptts. and offices should not be asked to do the same. The object will perhaps be nil if a direction is issued to them to check the returns carefully and report to Govt. any case in which there is a sudden acception of wealth, or the Govt. servant concerned is not able to account for the whole or part of his possession satisfactorily, or they suspect any dishonest means either in the acquisition of the property or in the attempts to conceal it. In anycase it seems better to watch for some time how this arrangement works before it is decided to collect all such returns in the administrative departments of the Secretariat. As regards the returns from the Provincial Service officers, they will come to Govt. in the administrative Departments concerned (through the proper channel) and can be checked up there. It does not seem necessary to collect them in one particular Department e.g. the Political and Services Department for checking. The new draft rule proposed contemplates this arrangement. The arrangement proposed above will not involve any serious administrative difficulty and would also save much clerical work without affecting the object underlying the collection of the returns.

4. The draft rule 15-A and the form proposed by C.S. are for approval as also the administrative arrangements for collecting the returns.

Id/-KPN

24/9/46.

U.S....

U.S.... The draft notification .... adding a new rule 15-A to the Bombay Civil Services Conduct, Discipline and Appeal Rules*(which are applicable to members of the Provincial and Subordinate Services, whether permanent or temporary), is for approval.

2. As regards the form of "Movable Property Return" proposed by C.S.... it may be stated that no form has been prescribed by existing rule 15 for the submission of the landed (immovable) property declaration mentioned in that rule. The form of declaration has been promulgated by executive instructions. Similarly the form regarding movable property (...) may be prescribed by executive instructions, and not form and appendix to the new rule 15-A.

3. The administrative arrangements for collecting the movable property returns proposed in paragraph 3 of the office note may be accepted for the reasons stated therein

4. I venture to submit, however that the issue of the proposed orders will bot serve the immediate object which apparently Government has in view, viz., to check on the the wealth, if any, accumulated by Govt. Servants during the period of the war. If the intention of Government has been correctly interpreted, it seems necess ry to call for information at once somewhat on the lines suggested in Mr. Sane's letter to H.M., H.D. The new rule 15-A and the form of movable property return to be issued will give information in respect of the post-war period and there will be nothing to show that the large assets (movable) to the credit of a particular Govt. servant were not in his possession even before the war; and it was during the war period that greater opportunities for amassing wealth fell in the way of Govt. servants.

id. J.C(haves) 25/9/46.

C.S..... Government is aware that there are limits to the

usefulness.....

---

* Includes the Inferior Services but all the rules do not apply to members of these services.

usefulness of this form of enquiry but Government has decided to call for periodical returns of moveable property. In view of some of the practical difficulties of the matter I think it desirable to consult Secretaries at a joint meeting. For this purpose such of the noting in brief as is considered essential for the business in hand should be ron-eced and distribted to Secretaries so that C.S. may call a meeting soon to discuss the best way of dealing with the problem.

id.H.T.S(orley)

26/9/46.

Draft Notification. Public and Services Deptt.
Bombay Castle, 1946.

In exercise of the powers conferred by clause (b) of sub section (2) of section 241 of the Govt. of India Act, 1935, the Govt. of Bombay is pleased to a-mend the Bombay Civil Services conduct, Discipline and Appeal Rules, as follows, namely:-

After rule 15 of the said rules, the following new rule shall be inserted, namely:-

"15-A. Every Government servant shall immediately on admission into Government service, and thereafter on the 1st April annually make to the authority competent to appoint him and through the usual channel, a declaration of all moveable property held by him or his wife or any other member of his family living with or in any way dependent on him.

Note 1. Moveable property means 'cash, stocks, securities, ornaments and valuables' for the purpose of this rule.

Note 2 Members of the Inferior services shall be excluded from the scope of this rule".

By order of the Governor of Bombay.

Chief Secretary to the Government of Bombay,
Political and Services Department.

XXXXXX XXXXXXXXTT

MOVEABLE PROPERTY RETURN

Class of Government servant. .. (to be catagorised for purpose of return)

A, B, C, D, etc.

Name and appointment held and present pay ....

Moveable Property	Cash	Stocks & Shares Securities	Amount Ornaments	Other valuables	How & when acquired
I Held by self					
II. Held by wife					
III. Held by dependeants					
IV. Total of I,II & III					

Total value acquired during the year.....

Signature

Secretaries' Meeting.

To discuss the framing of a rule for incorporation in the Bombay Civil Services Conduct, Discipline and Appleal Rules requiring Government servants to furnish periodical returns showing the moveable property held by them and their dependents.

CIRCULAR.

No. 1581/34-D.

Political and Services Department,

18 Queen's Gardens,

Poona, 8th October 1946.

With reference to para 2 of this Department endorsement No. 1581/34-D dated the 30th September 1946, the meting to discuss the above subject will be held in the Chief Secretary's room at 11 a.m. tomorrow the 9th October 1946. All Secretaries are requested to attend.

H.T.Sorley

Chief Secretary to Government.

To

All Secretaries to Government,
(Except Secretary C.S.D.).

Id/-
8/10/46
Secy. P.W.D.

Id/-
8/10/46
Secy. P.W.D.

205/36
40910

EB(1)

Submitted (Together with serial No. 39858 ante) for information.

Id/-
19/10/46

Record.
Id/-
21/10/46.

Id/-
21/X/46
D.S.

Government Servants' Conduct Rules.

Attendance of farewell and other parti
By Government servants.

GOVERNMENT OF BOMBAY.

POLITICAL AND SERVICES DEPARTMENT.

Circular No. 2199/34.

Bombay Castle, 21st September 1946.

C I R C U L A R.

attendance

In the Circulars noted in the margin,
(i) Government Circular, P. and G.D., No.2199/34, dated the 28th January 1938.
(ii) D.O. letter No. 2199/34, dated the 28th January 1938.
(iii) Government Circular, Political and Services Department, No. 2199/34 dated the 28th April 1938.

* orders were issued regarding the attendance by Government servants at farewell or other parties given to them by their colleagues or private persons. It has come to the notice of Government that, inspite of these orders, the provisions of rule 4(2) (d) of the Secretary of State's Services (Conduct) Rules and rule 7(2)(c) of the Bombay Civil Services Conduct Discipline and Appeal Rules are being abused, Government disapproves of the tendency on the part of its servants to accept parties held in their honour and desires to impress on them the necessity of avoiding them. Government would at the most allow Pan-Supari gatherings for the purposes of expression of appreciation of services on retirement of officers provided that at such gatherings food is not served and provided also that the previous permission of the Head of the Department concerned is obtained. The Heads of Departments should, before and after granting permission for such functions, see that the conditions attached to such a function are strictly fulfilled.

2. These order will not, however, apply to parties which are essentially and only of a private character, i.e. parties in which the persons giving them as well as those attending them are such as would in the ordinary course of friendship have issued invitations and accepted invitations for such private hospitality.

By.....

such private hospitality

By orderof the Governor of Bo-mbay,

H.T.SORLEY,

Chief Secretary to the Government of Bombay,

Political and Services Department.

G.C. No. 2199/34, P. & S.D., dated the 21st septemmber 1946.

To

The Secretary to the Governor,

The Prothonotary and Senior Mastern High Court Bombay (by letter),

The Registrar, High Court, Appellate Side, Bombay, (by letter)

All Heads of Departments and Heads of offices under the several Departments of the Secretariat.

All Departments of the Secretariat.

No. of 1946. EB ( ) 9/11

Copy forwarded for information and guidance to

Moveable Property Return

Class of Government servant (to be categorised for purpose of return)
A.B.C.D. etc.)

Name

and
Appointment held - x- -

Present pay

Moveable property	Cash	Stocks and securities ~~Shares~~	Ornaments Amounts	Other valuables	How and when acquired
I. Held by self					
II. Held by wife					
III. Held by dependents					
Iv. Total of I, II and III					
Total value acquired during the year.					

Siganture.....

Copy of the minutes of the meeting of secretaries called by the Chief secretary on the 9th October 1946 to discuss administrative difficulties connected with the framing of a rule providing for the submission by Government servants of periodical returns showing the moveable properties possessed by them, together with the form of returns referred to in pargraph (9) thereof.

The main points around which discussion centred were:-

(1) The legality of making a declaration which would in fact force a wife to declare the nature of roperty held by her in her own right.

(2) The difficulty of setting out value of jewellery and similar valuables where only approximate values could be shown.

(3) The method of procedure in respect of disposal of returns submitted. It was the general view that it would be for the appointing authority to receive and Scrutinise the annual returns and then submit them for such action as might be necessary to the higher authority. It was also the general view, however, that returns of Deputy Collectors and others of similar status to Deputy Collectors and the returns of all Gazetted Officers generally should come direct to Government in the Secretariat where they will be scrutinised.

(4) The declarations made by Mamlatdars should go to the Commissioner of the Division for scrtiny.

(5) The Secretaries considered that persons by whom forms were to be submitted should have one month for the purposes of making a return and that the scrutinising authority would require a further month for the duties that authority had to perform. The procedure and orders as regards submission of forms would therefore have to be adjusted accordingly.

(6) It was suggested that it will be necessary to include insurance...

insurance policies amongst securties and that articles for which the returns will be necessary would include motorcars, motor cycles, horses, horse and carriage and any other means of conveyance. It was also held that amounts standing in Provident Funds would be excluded.

(7) The general view was that, in respect of securities and stocks and shares, the first declration should show what they were and the dates of purchase and subsequent declarations should show alterations and additions to the list of securities and stocks and shares showing the dates of purchase or acquisition.

(8) As regards the items which have to be valued, the general view was that the declaration should show the present value in detail and also give the total value under each category. It was also the view of all that wearing apparel e.g. sarris should not be included amongst items to be valued.

(9) As regards the proposed moveable property return form, it was considered that, in view of the vast differences in and variety of declarations to be submitted, a printed form could not be readily made suitable for all cases, and in view of the large number of returns which may have to be made the Secretaries considered that the moveable property return form as proposed should not be a printed form but be treated as a sample from which a manuscript return should be drawn up. It was suggested that at the foot of column relating to moveable property the words "of property" should be inserted after the words "total value".

(10) The possession of property held in trust was also considered to be likely to create some diffculty, and it was suggested that a separate declaration should be made on similar lines to those applicable to private personal property in respect of property held in trust.

(11) The proposed draft rule was not regarded as satisfactory and the Secretaries suggested that it should be amended as follows:-

"15.A:- Every Government servant shall immediately on admissioninto Govornmet service and thereafter on the the first of April annually make to the authority competent to appoint him and through the usual channel a delcaration of all moveable property held by him and his wife and any other relative dependent upon him." (Notes 1 and 2 remaining as they are)

(12) It was suggested that scrutinising authorities would require some guidance as to what was to be regarded as sufficient suspicion to justify special note being taken of any declaration and reported to higher authority.

(13) The Secretaries were unanimously of opinion that, in view of the administerative difficulties likely to arise in carrying out the policy decided by the Cabinet, it would be desirable for a conference to be called by the Ministry at which these difficulties could be discussed by Ministers and Secretaries together.

CONFIDENTIAL. No. 1581/34-D.

Political and Services Department.

Bombay Castle, 30th December 1946.

Forwarded with compliments to-

All Honourable Ministers,

All Secretaries to Government.

2. As suggested in paragraph (13) of the minutes of the Secretaries' meeting, a conference of the Honourable Ministers and the Secretaries to Government will be held in the Committee Room, 1st floor, Secretariat, at 11.30 A.M. on the 8th January 1947. All Honourable Ministers and Secretaries to Government are requested kindly to attend.

Sd/-
For Chief Secretary to the Government of Bombay,
Political and Services Department.

Id/- 31/12/46
Secy (I)

Id/-31/12/46
Secy (R&B)

Government Servants Conduct Rules.

Supplementary Instructions under --

GOVERNMENT OF BOMBAY.

POLITICAL AND SERVICES DEPARTMENT.

No. 1581/34.

Bombay Castle, 6th May 1948.

CIRCULAR MEMORANDUM.

It has been brought to the notice of Government that subordinate Government servants are often called upon to supply provisions to touring officers and their staff and that they are not paid or only paid in part when they prefer bills on that account. Government desires that Heads of Departments should impress upon all touring officers that as far as possible they should avoid asking subordinate Government servants to supply provisons to them, but where they find this is unavoidable, they must see that no provisions or services are accepted by them or their subordinates without adequate payment. The Heads of Offices under the several Departments are also requested to make it clear to all Government servants under them that the subordinate Government servants who do not recover full bills will be held responsible for making supplies at concession rates or free and action will be taken against them accordingly.

By order of the Governor of Bombay,

M. D. BHAT,

Chief Secretary to the Government of Bombay,

Political and Services Departement

To....

To

The Private Secretary to the Governor,

The Secretary, Bombay Public Service Commission,

All Heads of Departments and all Heads of offices under the several Departments of the Secretariat

The Prothonotary and Senior Master, High Court, Bombay (by letter)

The Registrar, High Court, Appellate Side, Bombay (by letter)

All Departments of the Secretariat,

The Director of Information for issuing a press note.

No. of 1948.

Copy forwarded for information and guidance to

for further orders
pl. see. G.C.M.,P&
s.D. No. 1581/34,dated
the 8-4-50 (402/48/31616)

Government Servants' Conduct Rules.

Need for Government Servants to refrain from drinking in Public Places.

GOVERNMENT OF BOMBAY.

POLITICAL AND SERVICES DEPARTMENT.

Circular Memorandum No. 1581/34.
Bombay Castle, 13th July 1948.

CIRCULAR MEMORANDUM.

According to the prohibition plan of Government total prohibition will come into force in the whole of this Provin ce from 1st April 1950. The success of the prohibition policy of Government on which the plan is based depends in a large measure upon the co-operation it receives from the people including Government servants.

2. Government expects that all Government servants will extend to it their whole hearted co-operation in this matter by conducting themselves in such a manner as to promote the cause of prohibition. Those of the Govern ment servants who take alcoholic drinks should themselves set an example to others by giving them up completely. There is no doubt that the public will be greatly influen by their example. Government therefore trusts that as its representatives, all Government servants will implement its prohibition policy by giving up alcoholic drinks completely before total prohibition comes into force. It now calls upon all Government servants to refrain from serving alcoholic drinks at official or semi-official parties given by them, or taking alcoholic drinks in such places as hotels, restaurants, clubs, etc where a number of persons gather for meals, refreshment etc. Government attaches great value to this and will take serious notice if any Government servant is found taking alcoholic drinks in these places or going about i a drunken state.

3. As....

3. As the detection of excise crime is now the responsibility of the Police, it is incumbent on officers and men of the Police Force to abstain from drink. A severer view of the default committed by them would be taken in their case and if any member of the Police Force is found to be indulging in alcolholic drinks drastic actionwill be taken against him which might even result in his dismissal.

4. The Heads of Departments and Offices should bring these orders to the notice of all the staff under them. The Director of Publicity should also give publicity to these orders.

By order of the Governor of Bombay

M.D.BHATT,
Chief Secretary to the Government of Bombay,
Political and Services Department.

G.C.M., No. 1581/34, P. & S. D., dated the 13th July 1948.

To

The private Secretary to the Governor,
The Accountant Genral, Bombay,
The Prohhonotary and Senior Master, High Court, Bombay.
The Registrar, High Court, Appellate Side, Bombay.
The Commissioner of Excise,
All Heads of Departments and Heads of Offics under the several Departments of the Secretariat,
The Director of Publicity,
All Departments of the Secretariat.

*By letter,

No. of 1948

Copy forwarded for information and guidance to

Government Service.

Recruitment to -- of those who are convicted by Courts of Law.

GOVERNMENT OF BOMBAY.

POLITICAL AND SERVICES DEPARTMENT.

Pl. see G.C.D. & N.D. No.3310/46, dt.8.1.53

Circular No. 3310/46.

Bombay Castle, 12th August 1948. File No. G.C.R. 1053/9120 7

CIRCULAR OF GOVERNMENT.

The prsent policy of Government is not to admit to Government service persons who are convicted by Courts of Law irrespective of the nature of their offence. In modification of this policy, Government is now pleased to direct that conviction by itself should not be considered as a disqualification for Government service but that each case should be considered on its merits with due reg-ard to the nature of the ~~nature of~~ the offence for which the person concerned is convicted Ordinarily there should be no objection to recruiting to Government service a person though he may have been convicted by a Court provided the offence for which he was convicted did not involve moxral turpitude or an anti-social attitude.

By order of the Governor of Bombay,

M.D.BHAT,

Chief Secretary to the Government of Bombay,
Political and Services Department.

To

The Private Secretary to the Governor,
The Secretary, Bombay Public Service Commission,
The Accountant General, Bombay,
The Prothonotary and Senior Master, High Court, Bombay (by Letter)
The Registrar, High Court, Appellate Side, Bombay (by letter)
All other Heads of Departments and Heads of offices under the several departments of the Secretariat,
All Departments of the Secretariat.

No. of 1948.

Copy forwarded for information and guidance to

EB(i)&(ii) 26/8

Government Servants.
Prevention of - from approaching members of the legislatures and other outsiders for the redress of their grievances.

for further orders pl. see Govt.circular pp 82, No.1581/34 dt. the 13/10/52
GTS1952/102884
1052/102824

GOVERNMENT OF BOMBAY.

POLITICAL AND SERVICES DEPARTMENT.

Circular No. 1581/34.

Bombay Castle, 31st, July 1948.

CIRCULAR OF GOVERNMENT.

Of late Government has noticed several instances of Government servants appraching members of legislatures of other outsiders for the redress of their grievances and for intervening on their behalf. This is a clear breach of rule 23 of the Bombay Civil Services Conduct, Discipline and Appeal Rules and serious act of indiscipline. Government servants are given every facility to get their grievances redressed through the official channel and it should not be cnecessary for them to enlist the support of outsiders. The attention of all Heads of Departments and Heads of Offices is invited in this connection to government Resolution*, General Department, No. 4070, dated the 17th April 1923, and they are requested to warn all their subordinates that it is not permissible for them to approach members of legislatures or other outsiders for the redress of their grievances. They should also be warned that any person found approaching members of legislatures or other outsiders with his grievances in contravention of these orders will render himself liable to disciplinary action.

By order of the Governor of Bombay,

M. D. BHAT,

Chief Secretary to the Government of Bombay,
Political and Services Department.

To....

To

The Private Secretary to the Governor,

The Prothonotary and Senior Master,

High Court, Bombay (byletter)

The Registrar, High Court, Appellate

Side, Bombay (by letter)

The Accountant General, Bombay,

All Heads of Departments and Heads

of Offices under the servarl Departments

of the Secretariat,

All Departments of the Secretariat,

*Printed as an accompaniment to this

Circular.

No. of 1948.

Copy forwarded for information and guidance to

Accompaniment to Government Circular, Political and Services Department, No. 1581/34, dated the 31st July 1948.

Government Servants.
Prevention of from approaching members of the legislatures for the redress of their grievances.

GOVERNMENT OF BOMBAY.

GENERAL DEPARTMENT.

RESOLUTION No. 4070.

Bombay Castle, dated the 17th April 1923.

Letter from the Government of India, Home Department (Public), No. D.- 1057, dated the 19th March 1923:-

" The Government of India have recently had occasion to consi ed the action to be taken in dealing with cases in which Governmen servants serving under them, have approached members of the legislatures for the redress of their grievances. As similar incidents have presumably occurred in the provinces I am to enclose a copy of the orders* which they have issued on the subject. The Government of India think that an indication of the line of action taken by them may prove useful to the local Government in dealing with any such cases that might arise in the provinces."

RESOLUTION.---Copies of the letter from the Government of India and its accompaniment should be forwarded to all heads of offices and the several departments of the Secretariat and they should be requested to drawn the attention of the office establishment under them to the provisions of rule 17* of the Government Servants' Conduct Rules.

By order of the Governor in Council,

S. N. Ziman,

Acting Secretary to Government.

To

The Commissioner in Sind,

The Commissioner, N.D.,

The Commissioner C.D.,

The Commissioner, S.D.,

The Commissioner, Bombay Suburban Division,

The....

The Commissioner of Customs, Salt and Excise.,

The Private Secretary to His Excellency the Governor,

The Mint Master, Bombay,

The Assay Master, Bombay Mint,

The Municipal Commissioner for the City of Bombay,

The Post Master General, Bombay,

The Director, Government Observatories, Bombay and Alibag,

The Meteorologist, Bombay;

The Commissioner of Paper Currency;

The Protector of Emigrants, Bombay,

The Protector of Emigrants, Karachi;

The Medical Store-Keeper to Government,

The Government Examiner of Accounts, B.B.& C.I.Railway,

The Government Examiner of Accounts, G.I.P.Railway,

The Government Examiner of Accounts, M.&S. M. Railway, Madras,

All other Heads of Offices under the several Departments of the Secretariat,

All Executive Engineers;

All Departments of Secretariat (except the Separate Department),

&The Prothonotary and Registrar of His Majesty's High Court of Judicature, Original Jurisdiction, Bombay,

&The Registrar of His Magesty's High Court of Judicature, Appellate Side, Bombay.

* Printed as accompaniments to this Resolution.

& By letter.

No. of 1923.

Copy forearded for information and guidance to.

Accompaniments to Government Resolution, General Department, No.4070, dated the 17th April 1923.

Memorandum from the Government of India, Home Department, No. F.369, dated the 8th June 1922.

Cases have come to the notice of the Gove-rnment of India, in which members of the Secretariat establishments have approached Members of the Legislatures with a view to having their individual grievances made the subject of interpellations in the Chambers. Apart from the fact that the questions involved are rarely, if ever, of public importance, the practice usually entails the disclosure to non-official persons of information which has been obtained from official sources or has come into the possession of the member of the Government Servants' Conduct Rules. The undersigned is therefore directed to request that the attention of the office establishment in the Foreign and Political Departments may be drawn to the provisions of this rule and that they may be warned that any communication to a Member of the Legislature which involv-es an infringement thereof will be severely dealt with.

*breach of rule 17 of the

Rule 17 of Government Servants' Conduct Rules.

17. A Government servant may not, unless generally or specially empowered by the local Government in this behalf, communicate directly or indirectly to Government Servants belonging to other Departments, or to non-official persons, or to the Press, any document or information which has come into his possession in the course of his public duties or has been prepared or collected by him in the course of those duties, whether from official sources or otherwise.

Communication of official documents or information.

Government Servants' Conduct Rules.
Collection of subscriptions by Govt. servants for the Mahatma Gandhi National Memoral Fund.

GOVERNMENT OF BOMBAY.

POLITICAL AND SERVICES DEPARTMENT.

Circular No. 1581/34.

Bombay Castle, 27th April 1948.

CIRCULAR OF GOVERNMENT.

Enquiries are being made by Government servants as to whether it is permissible for them to make collections for the Mahatma Gandhi National Memorial Fund. The attention of all Heads of Departments and Heads of Offices is invited in this connection to Government Resolution, General Department, No. 2494, dated the 26th August 1925, according to which Government servants are prohibited from making collections for any Fund without the specific sanction of Government. Having regard to the attitude hitherto adopted in this matter Government regrets that it is not possible to make an exception in the case of the Mahatma Gandhi National Memorial Fund and desires to clarify for the information of all Government servants that it is not permissible for them to make collections for the Fund. There is however, no bar to their contributing to the Fund and such of them as wish to contribute should send their contributions to the official agencies set up by the Mahatma Gandhi National Memorail Fund Committee for the purpose of collecting subscriptions for the Fund.

By order of the Governor of Bombay.

M. D. BHAT,

Chief Secretary to the Government of Bombay,

Political and Services Department.

To.....

To

The Private Secretary to the Governor,

The Accountant General, Bombay,

The Prothonotary and Senior Master, High Court, Bombay (by letter)

The Registrar, High Court, Appellate Side, Bombay (by letter),

All other Heads of Departments and Heads of Offices under the several departments of the Secretariat,

All Departments of the Secretariat.

No. 1 of 1948.

Copy forwarded for information and guidance to

Read 23/6/26